



Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, M.D., M.P.H.
Acting Commissioner

MEGAN E. BALDWIN
Acting Executive Deputy Commissioner

04/17/2023

DAL: DAL #23-11
**ACF CON Application Communication,
Abandonment, and Withdrawal**

Dear Adult Care Facility Owner/Operator/Administrator:

This Dear Administrator Letter (DAL) is being issued to remind Owners, Operators, Administrators, and their representatives that pursuant to 18 NYCRR 485.6(i) and 485.6(n)(10), applicants of Adult Care Facilities (including Assisted Living Programs) that fail to provide information requested by the New York State Department of Health (Department) or fail to complete construction, renovation, or other required aspects of an application, within specified time periods, will have their applications deemed abandoned and withdrawn.

Pursuant to DAL #19-16, issued June 13, 2019, Operators and Administrators, and their representatives must submit Adult Care Facility (ACF) Licensure and Certification applications via the New York State Electronic Certificate of Need (NYSE-CON) system. The required NYSE-CON project ACF Common Application Schedules are identified online at <https://health.ny.gov/forms/doh-5093.pdf>.

Upon submission of an application, communications will be limited to the applicant "Contact" and/or "Alternate Contact" listed on the application, and attorney or consultant of record. The applicant must provide written authorization for release of information to any and all individuals not set forth above.

Upon review of an application, if a "Request for Additional Information" (RFI) is issued, the applicant/alternate contact has thirty (30) calendar days to respond to the request. Failure to respond to the RFI will result in the issuance of a "Thirty Day Letter". If responsive material is not received within the thirty (30) days, the application will be deemed abandoned and withdrawn. The applicant will receive written notice of withdrawal from the Department. If an extension is needed, a written request including a proposed deadline must be submitted via response to the RFI using the Correspondence tab in NYSE-CON.

RFI responses, inclusive of those cited in a "Thirty Day Letter", must be submitted by responding to the corresponding RFI using the Correspondence tab in NYSE-CON.

If you have any questions, they can be submitted to acfcon@health.ny.gov. Thank you for your cooperation.

Sincerely,

Kristen M. Pergolino, Director
Bureau of Adult Care Facility
and Assisted Living Licensure

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